

REPORT CARD on H.R. 10

*GOP Bill Fails to Implement Most
9/11 Commission Recommendations*

Of 41 recommendations:







- ** 16 are not implemented at all;
- ** 14 are incomplete; and only
- ** 11 are implemented



Prepared by the Democratic Staff of the
Select Committee on Homeland Security
Rep. Jim Turner, Ranking Member

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9/11 Commission Recommendations	Grade
#1 Identify and Prioritize Terrorist Sanctuaries <ul style="list-style-type: none"> The GOP bill contains a plan to identify and prioritize terrorist sanctuaries, and requires the Administration to report to Congress, within 90 days after enactment, on a strategy for eliminating these sanctuaries. The provision is consistent with the 9/11 Commission recommendation. 	 Green
#2 Prioritize Efforts in Pakistan <ul style="list-style-type: none"> The GOP bill includes a Sense of the Congress resolution expressing support, among other items, for Pakistan's efforts to fight extremists, and calls for the development of a strategy regarding the long-term engagement of the U.S. with Pakistan. 	 Green
#3 Prioritize Efforts in Afghanistan <ul style="list-style-type: none"> The GOP bill reaffirms existing provisions of the U.S. – Afghan Freedom Support Act, calls for the development of a long-term bilateral strategy to address Afghan economic development and security needs, and includes related language urging – but not requiring – expanded U.S. assistance for counternarcotics and international peacekeeping efforts. <i>By contrast, the McCain-Lieberman bill authorizes an additional \$2.8 billion for FY 2005 and continued assistance to Afghanistan through FY 2009 for specific security and development programs.</i> 	 Red
#4 Prioritize Efforts in Saudi Arabia <ul style="list-style-type: none"> The GOP bill includes a Sense of the Congress provision stressing the importance of a robust dialogue between the U.S. and Saudi Arabia to provide for a reevaluation of the existing bilateral relationship, along with the development of a strategy for collaboration with the people and government of Saudi Arabia. 	 Green
#5 Promote American Values in the Muslim World <ul style="list-style-type: none"> The GOP bill calls for the expansion of the existing Democracy Caucus at the United Nations and other multilateral organizations. <i>By contrast, the McCain-Lieberman bill calls for the creation of a long-term strategy to win the struggle for ideas in the Muslim world, including an articulation of specific goals by which to measure progress and an estimate of financial assistance levels that may be required.</i> 	 Yellow
#6 Promote America's Message of Opportunity to the Arab-Muslim World <ul style="list-style-type: none"> The GOP bill affirms the importance of multilateral and bilateral diplomacy in fighting terrorists and promoting American values and principles. 	 Green

 **Green = Implemented**
 **Yellow = Partially Implemented**
 **Red = Not Implemented**





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#7 Defend American Ideas Abroad <ul style="list-style-type: none"> The GOP bill calls for an annual assessment of the U.S.'s public diplomacy strategy, and includes a Sense of Congress resolution underscoring the importance of public diplomacy, but authorizes no additional resources for the expansion of radio and television broadcasting, or scholarship exchanges and library programs, to the Arab world. <i>In contrast, the McCain –Lieberman bill authorizes \$728 million in fiscal year 2005 for international broadcasting operations in the Islamic world and broadcasting capital improvements, expands existing and creates new scholarly and cultural exchange programs, establishes a college scholarship program for students in Arab and Muslim countries, creates a new secondary school exchange program, and authorizes \$60 million in fiscal year 2005 for such programs.</i> 	 Red
#8 Support Education Programs in the Arab World <ul style="list-style-type: none"> The GOP bill authorizes additional grants for existing U.S.-sponsored schools in the Arab world, but does not seek to create a new program to provide assistance for the improvement of public education in the Middle East. <i>In contrast, the McCain Lieberman bill – consistent with the 9/11 Commission's recommendation – authorizes \$40 million for an International Youth Opportunity Fund that would support educational projects in Muslim countries that invest appropriately in public education.</i> 	 Yellow
#9 Bolster the Economic Development in Arab and Muslim Countries <ul style="list-style-type: none"> The GOP bill contains no substantive provisions dealing with economic policies to encourage development, more open societies, and opportunities for people to improve the lives of their families. <i>In contrast, the McCain Lieberman bill authorizes \$200 million for the Middle East Partnership Initiative to encourage development, lower trade barriers, and promote the rule of law in Arab and Muslim countries.</i> 	 Red
#10 Create a Coalition Strategy to Defeat Terrorists <ul style="list-style-type: none"> The GOP bill includes several provisions dealing with bilateral agreements against terrorists, but does not call for engagement with other countries to create a comprehensive coalition strategy against Islamic terrorism. <i>The McCain Lieberman bill encourages and authorizes the President to establish an international terrorism policy contact group to develop a common international strategy to address terrorism.</i> 	 Yellow






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#11 Ensure the Humane Treatment of Captured Terrorists <ul style="list-style-type: none"> The GOP bill contains a Sense of the Congress provision stating that the President should pursue all diplomatic means to develop an effective approach toward the detention and humane treatment of captured terrorists. <i>The McCain Lieberman bill would require the government to treat captured terrorists in the same manner that the U.S. would demand that its personnel be treated if captured by the enemy in the war on terrorism. It also prohibits treating any prisoner inhumanely, or in a manner inconsistent with the Constitution or other laws and treaties of the United States.</i> 	 Red
#12 Strengthen Counterproliferation Efforts <ul style="list-style-type: none"> The GOP bill makes no meaningful effort to address the global threat of nuclear proliferation, or in any way reduce the threat from unsecured nuclear materials. The bill's only provision calls for an expert study on obstacles to counterproliferation efforts – many of them are already known. <i>In contrast, the McCain Lieberman bill requires the Administration to submit a strategy to strengthen the Nunn Lugar programs, the Proliferation Security Initiative, and other nonproliferation assistance programs and estimate the funding necessary to achieve these goals.</i> 	 Red
#13 Track Terrorist Financing <ul style="list-style-type: none"> The GOP bill authorizes funds for existing Financial Crimes Enforcement Network (FinCEN) mandates, reauthorizes the National Money Laundering Strategy through 2005, and includes related technical amendments. <i>The McCain-Lieberman bill requires the President to submit a report to Congress evaluating the effectiveness of U.S. efforts to curb international terrorist financing, including identifying ways to improve international and financial institution cooperation, and how to better coordinate government agency cooperation.</i> 	 Yellow
#14 Track Terrorist Travel <ul style="list-style-type: none"> The GOP bill includes a series of specific provisions that address aspects of terrorist travel, such as a study on machine-readable passports and expanded inspection programs at foreign airports. All of the items, however, attack the problem in a piecemeal, versus a strategic, fashion. <i>In contrast, the McCain-Lieberman bill requires the administration to develop a comprehensive strategy to target terrorist travel and directs that the strategy be implemented – fully consistent with the 9/11 Commission's recommendation.</i> 	 Yellow




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#15 Create a Network of Screening Systems to Thwart Terrorists <ul style="list-style-type: none"> While the GOP bill addresses the 9/11 Commission’s concerns about the Western hemisphere passport exemption, it contains no provisions that address the critical issue of integrating various screening systems. <i>In contrast, the McCain-Lieberman bill sets out a comprehensive framework for integrating our screening systems as well as addressing the Western Hemisphere exemption.</i> 	 Yellow
#16 Create a Robust Biometric Entry-Exit Screening System <ul style="list-style-type: none"> The GOP bill includes a provision regarding the creation of a Biometric Entry and Exit System, identical to language contained in the McCain-Lieberman bill. 	 Green
#17 Set Global Standards for Security Systems <ul style="list-style-type: none"> The GOP bill encourages the executive branch to work with a number of nations and international organizations to set security standards, similar provisions in the McCain-Lieberman bill. 	 Green
#18 Implement Federal Standards for Birth Certificates and Driver’s Licenses <ul style="list-style-type: none"> The GOP bill includes provisions providing for federal standards for birth certificates and driver’s licenses, but also includes language that goes well beyond the 9/11 Commission’s recommendation to prevent states from issuing driver’s licenses to illegal immigrants. There are also critical privacy concerns with the GOP language – such as linking the databases of state Department of Motor Vehicles, and requiring biometric identifiers as one of the minimum standards for state driver’s licenses and identification cards – that need to be addressed if any changes are to pass scrutiny. <i>The McCain Lieberman bill sets minimum acceptable minimum standards and requires everyone to obtain a new driver’s license or ID card two years after the standards have been issued.</i> 	 Yellow
#19 Prioritize Transportation Assets <ul style="list-style-type: none"> The GOP bill requires the Department of Homeland Security to produce a transportation sector strategy – consistent with the 9/11 Commission’s recommendation and the McCain-Lieberman bill – and related modal strategies. The bill also requires TSA to issue operational criteria to protect airport infrastructure and operations against the threat identified in the plans. 	 Green





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#20 Improve Air Screening Systems <ul style="list-style-type: none"> The bill requires the Transportation Security Administration (TSA) to test and implement a passenger pre-screening program under the control of TSA, utilizing all appropriate terrorist watch lists, similar to the provision included in the McCain-Lieberman bill. 	 Green
#21 Improve Screening Checkpoints to Detect Explosives <ul style="list-style-type: none"> The GOP bill requires that TSA “give priority to” explosive detection for passengers and carry-on baggage, but does not require such detection capabilities. The bill authorizes collection of \$30 million in fees for purchase and installation of explosives detection equipment, though this amount is insufficient to cover equipment costs. The bill also establishes a pilot program for “next generation checkpoint detection technology,” including a human factors study. <i>In contrast, the McCain-Lieberman bill requires the Secretary to take steps to improve detection capabilities, requires that all high-risk passengers be screened for explosives, and authorizes such sums that may be required to get the job done. The McCain-Lieberman bill also requires a broader human factors study and provides for expedited installation of detection equipment.</i> 	 Yellow
#22 Protect Individual Privacy in Information Sharing Systems <ul style="list-style-type: none"> The GOP bill creates chief privacy officers in some law enforcement and counterterrorism agencies but does not provide a single entity in the federal government to coordinate all of the federal government’s efforts or ensure that agencies working together are clearly protecting our citizenry’s rights. The bill’s approach also does not provide critical leadership or authority to truly protect individual privacy. <i>Unlike McCain-Lieberman, the GOP bill makes little effort to protect the privacy of information on individuals that is held in information systems, especially national security systems – a key aspect of the 9/11 Commission’s recommendation.</i> 	 Red





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#23 Satisfy the Burden of Proof in Exercising Governmental Powers <ul style="list-style-type: none"> The GOP bill creates a new Civil Liberties Protection Officer for the national Intelligence Community, and states that the FBI, specifically, must perform its intelligence functions in a manner that is consistent with privacy and other civil liberties under the Constitution. <i>By contrast, the McCain-Lieberman bill creates an Inspector General for the National Intelligence Authority, who is responsible for an assessment of the effectiveness of all measures in place within the Intelligence Community for the protection of civil liberties and privacy of U.S. persons, as well as an Intelligence Community Officer for Civil Rights and Civil Liberties in the National Intelligence Authority. Further measures to strengthen our civil liberties and privacy could include a requirement that incentives and safeguards be put in place at the FBI and other agencies to prevent misuse of governmental powers.</i> 	 Yellow
#24 Create a Civil Liberties Board <ul style="list-style-type: none"> The GOP bill does not call for a Civil Liberties Board or any type of White House-level entity to ensure that Civil Liberties are protected. <i>In contrast, the McCain-Lieberman bill creates a Privacy and Civil Liberties Oversight Board in the Executive Office of the President to analyze and review actions of the Executive Branch to ensure that liberty concerns are considered when our country develops laws, regulations and policies related to efforts to protect the Nation against terrorism. An additional measure could include the creation of a Commission on Homeland Security and Privacy that can provide independent assessments on the performance of our government in protecting one of the most critical parts of our homeland – our civil liberties and democracy.</i> 	 Red
#25 Base First Responder Assistance on Risk <ul style="list-style-type: none"> The GOP bill does implement changes to the first responder grant programs that will result in the provision of more funding based on an assessment of risks and vulnerabilities. The legislation also includes no funding authorization for a revised grant program. <i>In contrast, the McCain-Lieberman bill bases future grants funding for first responders solely on risk – fully consistent with the 9/11 Commission's recommendation.</i> 	 Yellow
#26 Adopt Incident Command System Procedures <ul style="list-style-type: none"> The GOP bill includes a Sense of Congress provision expressing support for the nationwide implementation of the National Incident Management System (NIMS), and that regular use of the NIMS by state, local, and tribal governments should be a condition for receiving federal preparedness assistance. 	 Green







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#27 Ensure Adequate Radio Spectrum for Public Safety <ul style="list-style-type: none"> The GOP bill does not address the principal recommendation of the 9/11 Commission for improving interoperability: that Congress should pass H.R. 1425, the HERO Act, in order to free up additional radio spectrum for first responders. Although the bill does make necessary changes to the Federal structure for improving interoperability, it creates an unfunded interoperability grant program. <i>In contrast, the McCain-Lieberman bill includes the full text of H.R. 1425, mandating the transfer of radio spectrum for public safety purposes no later than January 1, 2007.</i> 	 Red
#28 Adopt the ANSI Standard for Private Sector Preparedness <ul style="list-style-type: none"> The GOP bill contains no provisions addressing the need for the Department of Homeland Security to adopt private sector preparedness standards as developed by the American National Standards Institute (ANSI). <i>In contrast, the McCain-Lieberman bill takes steps to implement the ANSI standards – fully consistent with both the 9/11 Commission’s recommendation and H.R. 4830, the Private Sector Preparedness Act.</i> 	 Red
#29 Create a National Counterterrorism Center (NCTC) <ul style="list-style-type: none"> The GOP bill creates an NCTC, but significantly limits the operational role of the NCTC and does not allow for its input in setting budgets or nominating officials. <i>In contrast, the Collins-Lieberman bill more accurately represents the 9-11 Commission’s recommendations to vest the NCTC with planning and integrating counterterrorism operations across the government, along with being the government’s central knowledge bank for all terrorism information.</i> 	 Yellow
#30 Create a National Intelligence Director (NID) <ul style="list-style-type: none"> The GOP bill creates a NID, but does not implement the 9/11 Commission’s recommendation, nor include the Collins-Lieberman bill’s provision, to grant the NID the authority needed to effectively manage the Intelligence Community. Specifically, the NID is not given the authority to set budgets of the intelligence agencies or the authority to set requirements and priorities for DOD intelligence components. <i>In contrast, the Collins-Lieberman bill would provide robust authorities to the NID to effectively lead the government’s intelligence efforts.</i> 	 Yellow





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#31 Improve the CIA <ul style="list-style-type: none"> The GOP bill would require the NID to report to Congress on the status of, and any remaining needs to improve, human intelligence collection. The GOP bill also makes improvements to training and education programs within the Intelligence Community that would improve CIA performance. <i>In contrast, however, the Collins-Lieberman bill requires a much broader strategy to include personnel recruitment, use of foreign liaison relationships, metrics, and other needs.</i> 	 Yellow
#32 Give the Department of Defense Control over Paramilitary Operations <ul style="list-style-type: none"> The GOP bill does not address this issue. <i>In contrast, the McCain-Lieberman bill includes several Sense of Congress findings on DoD's control over paramilitary operations – consistent with the 9/11 Commission's recommendation.</i> 	 Red
#33 Declassify the Intelligence Budget <ul style="list-style-type: none"> The GOP bill does not call for the declassification of the total amount of the Intelligence Community's budget. <i>In contrast, the McCain-Lieberman bill would declassify the aggregate amounts requested and appropriated each year for the overall Intelligence Community and each major Community component.</i> 	 Red
#34 Provide Incentives for Information Sharing <ul style="list-style-type: none"> The GOP bill has no provisions to create positive incentives or reduce negative incentives to better share information. <i>In contrast, the Collins-Lieberman bill would require agencies to provide incentives for sharing information and would create a system through which information could easily and effectively be shared.</i> 	 Red
#35 Create a Trusted Information Network <ul style="list-style-type: none"> The GOP bill has no provision to create an information network other than granting the NID authority to ensure maximum sharing. <i>In contrast, the Collins-Lieberman bill requires the President to create a trusted information network consistent with the 9/11 Commission's recommendation that meets the recommendations of the Markle Task Force.</i> 	 Red
#36 Reform the Intelligence Committees <ul style="list-style-type: none"> The GOP bill includes no language regarding changes to the Congressional structure for handling intelligence legislation or oversight. <i>In contrast, the McCain-Lieberman bill includes a requirement that the Congress adopt changes to its rules to reform the intelligence committees as recommended by the 9-11 Commission.</i> 	 Red

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#37 Create a Permanent Homeland Security Committee <ul style="list-style-type: none"> The GOP bill only expresses the Sense of Congress that the Rules Committee should take up the recommendations of the Select Committee of Homeland Security on how to consolidate jurisdiction over homeland security matters. <i>In contrast, the McCain Lieberman bill provides that the 108th Congress should not adjourn until each House of Congress has adopted changes in its rules, effective at the beginning of the 109th Congress, to consolidate jurisdiction over homeland security matters in one committee.</i> 	 Red
#38 Accelerate National Security Appointments <ul style="list-style-type: none"> The GOP bill includes two provisions designed to accelerate appointments to national security positions during the time of an inaugural transition. 	 Green
#39 Create a Specialized National Security Workforce at the FBI <ul style="list-style-type: none"> The GOP bill provides management flexibility and authority to improve the FBI workforce and makes several changes to the FBI personnel system to prioritize the role intelligence analysis within the organization, consistent with the 9/11 Commission's recommendation. 	 Green
#40 Assess and oversee the Northern Command's Strategy <ul style="list-style-type: none"> The House GOP bill requires the Sec Def to assess the adequacy of NORTHCOM's strategy and plans to protect this country. <i>In contrast, the McCain-Lieberman bill contains a requirement for the congressional armed services committees to exercise their oversight responsibilities in this matter – fully consistent with the 9/11 Commission's recommendation.</i> 	 Yellow

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#41 Assess Plans to Protect Critical Infrastructure <ul style="list-style-type: none">The GOP 9/11 bill does nothing to improve the protection of our nation’s physical critical infrastructure, such as water supplies, surface transportation networks, and industrial facilities. <i>In contrast, the McCain-Lieberman bill requires the Department of Homeland Security to account for its progress in assessing critical infrastructure security and measure progress in readiness. An even stronger bill in line with the 9/11 recommendations would require a comprehensive critical infrastructure risk assessment to be delivered to Congress with a firm deadline; would address serious, well-recognized gaps in critical infrastructure protection such as nuclear power and chemical plant security; and require the development of metrics in areas from the preparedness of hospitals for bioterrorism to the readiness of first responders. These are mandates Congress needs to assess progress and ensure accountability.</i>	 Red
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